

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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GHASSAN HOUBOUS BOUARI,

Plaintiff(s),

v.

UNITED STATES OF AMERICA, et al.,

Defendant(s).

Case No. 2:18-CV-219 JCM (PAL)

ORDER

Presently before the court is defendant United States of America's motion to dismiss (ECF No. 12). Also before the court is defendants Elena Iatarola, Dennis Lao, and Charles Ro's motion to dismiss. (ECF No. 13).

This is a *Bivens* action alleging that FBI special agents Lao and Ro fabricated evidence in a malicious prosecution and detained plaintiff Ghassan Houbous Bouari without probable cause in violation of his Fourth Amendment rights. (ECF No. 31 ¶ 18). After the two instant motions to dismiss were filed, Houbous filed an amended complaint. (ECF No. 31). The amendment complaint dropped all claims under the Federal Tort Claims Act ("FTCA"). (See ECF No. 28 (stipulation to dismiss without prejudice any claims under the FTCA)). It also consolidated and/or dropped four original *Bivens* claims, resulting in a single *Bivens* claim against Lao and Ro. (See ECF No. 30 (order granting unopposed motion for leave to file first amended complaint)). As a result, defendants United States of America and Elena Iatarola have been terminated from this case.

An amended complaint "supersedes the original, the latter being treated thereafter as non-existent." *Ramirez v. Cty. of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015) (quoting *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997)); see also *Ferdik v.*

1 *Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992). Consequently, an amended complaint will  
2 ordinarily moot a pending motion to dismiss the original complaint. *See Ramirez*, 806 F.3d  
3 at 1008.

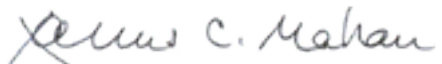
4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant United  
6 States of America's motion to dismiss (ECF No. 12) be, and the same hereby is, DENIED as  
7 moot.

8 IT IS FURTHER ORDERED that defendants Iatarola, Lao, and Ro's motion to  
9 dismiss (ECF No. 13) be, and the same hereby is, DENIED as moot.

10 IT IS FURTHER ORDERED that the stay on this case is lifted as the indictment of  
11 the last remaining defendant in the related criminal case, *USA v. Bouari et al*, 2:16-cr-00032-  
12 JCM-EJY, was dismissed on August 3, 2020. (*See* ECF No. 10 (order granting joint motion  
13 to stay proceedings pending resolution of the related criminal case)).

14 DATED January 11, 2021.

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17 UNITED STATES DISTRICT JUDGE  
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